

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ANTHONY GEE, #227493

Plaintiff,

VS.

JAMES H. DELOACH, et al.

Defendants.

CASE NO.: 2:06-CV-262-WKW

**ANSWER**

COMES NOW the Defendant, **James DeLoach**, by and through Troy King, Attorney General for the State of Alabama, via undersigned counsel, and in accordance with this Honorable Court's Order, answers the Plaintiff's Complaint as follows:

1. Defendant admits Paragraph One (1) of the Plaintiff's Complaint.
2. Defendant admits Paragraph Two (2) of the Plaintiff's Complaint.
3. Defendant admits Paragraph Three (3) of the Plaintiff's Complaint.
4. Defendant admits Paragraph Four (4) of the Plaintiff's Complaint.
5. Defendant denies Paragraph Five (5) of the Plaintiff's Complaint.
6. Defendant admits that he was employed by the State of Alabama and while acting in his official capacity, abided by the laws of Alabama and the United States, but denies acting under the color of state law in order to deprive Plaintiff of his constitutional rights as he alleges in Paragraph Six (6) of the Plaintiff's Complaint.

7. Defendant admits that Plaintiff was cut and was sent to Elmore County Hospital for treatment, but denies the remaining allegations as they are stated in Paragraph Seven (7) of Plaintiff's Complaint.
8. Defendant denies Paragraph Eight (8) of the Plaintiff's Complaint.
9. Defendant denies Paragraph Nine (9) of the Plaintiff's Complaint.
10. Defendant denies Paragraph Ten (10) of the Plaintiff's Complaint.
11. Defendant denies Paragraph Eleven (11) of the Plaintiff's Complaint.
12. Defendant denies Paragraph Twelve (12) of the Plaintiff's Complaint.
13. Defendant denies Paragraph Thirteen (13) of the Plaintiff's Complaint.
14. Defendant denies Paragraph Fourteen (14) of the Plaintiff's Complaint.
15. Defendant denies all material allegations not expressly admitted herein.

#### **AFFIRMATIVE DEFENSES**

1. The Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. Defendant asserts the defense of sovereign immunity.
3. Defendant asserts the defense of qualified immunity.
4. Defendant asserts state agent immunity.
5. Defendant asserts functional discretionary immunity.
6. Defendant cannot be held personally liable for a 42 U.S.C. § 1983 civil action under the theory of Respondeat Superior.
7. This Court lacks subject matter jurisdiction.
8. Defendant asserts the defense of contributory negligence.

9. The Defendant generally denies that the Plaintiff is entitled to receive any portion of the relief requested in the Complaint filed in the above-styled action.
10. The Plaintiff is generally not entitled to be awarded punitive damages in connection with any claims against the Defendant.
11. To the extent that any of the foregoing allegations in this Complaint have not been admitted or denied, they are hereby denied.
12. The Defendant reserves the right to assert additional defenses as discovery progresses.

/s/ J. MATT BLEDSOE  
J. MATT BLEDSOE (BLE006)  
Counsel for Defendant James DeLoach

OF COUNSEL:

OFFICE OF THE ATTORNEY GENERAL  
11 South Union Street  
Montgomery, AL 36130  
(334) 242-7443  
(334) 242-2433 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, on this the 31<sup>st</sup> day of May, 2006, served a copy of the foregoing on the plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Anthony Gee, #227493  
Easterling Correctional Facility  
200 Wallace Drive  
Clio, AL 36017

/s/ J. MATT BLEDSOE